

Feb. 15, 2007
- REVISED -
#72

PLANNING COMMISSION RECOMMENDATION

ORDINANCE NO.

1 AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD
2 SECTION 25-2-813 RELATING TO LARGE RETAIL USES; AMENDING
3 SECTION 25-5-144 OF THE CITY CODE RELATING TO PUBLIC HEARING
4 AND NOTICE; AND AMENDING SECTION 25-5-145 OF THE CITY CODE
5 RELATING TO CONDITIONAL USE SITE PLAN EVALUATION.

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to
10 read:

11 **§ 25-2-813 LARGE RETAIL USES.**

12 (A) In this section, LARGE RETAIL USE means one of the following principal
13 uses, including its accessory uses, with 100,000 square feet or more of gross
14 floor area:

- 15 (1) agricultural sales and services use;
- 16 (2) art gallery use;
- 17 (3) art workshop use;
- 18 (4) automotive repair services use;
- 19 (5) automotive sales use;
- 20 (6) construction sales and services use;
- 21 (7) equipment sales use;
- 22 (8) food sales use;
- 23 (9) general retail services (convenience) use;
- 24 (10) general retail sales (general) use;
- 25 (11) liquor sales use;
- 26 (12) monument retail sales use;
- 27 (13) pawn shop services use;

- 1 (14) personal improvement services;
- 2 (15) pet services use;
- 3 (16) plant nursery use;
- 4 (17) recreational equipment sales use;
- 5 (18) restaurant (general) use;
- 6 (19) restaurant (limited) use;
- 7 (20) service station use;
- 8 (21) special use historic use; or
- 9 (22) veterinary services use

10 (B) A large retail use is a conditional use.

11 **PART 2.** Section 25-5-144 (*Public Hearing And Notice*) of the City Code is amended to
12 add a new Subsection (C) to read as follows and reletter the remaining subsections
13 accordingly:

14 (C) This subsection applies to an application for approval of a large retail use
15 described in Section 25-2-813 (*Large Retail Uses*).

- 16 (1) In addition to the notice required by Subsection (B), the director shall
17 give notice to all:
 - 18 (a) registered neighborhood associations with boundaries located
19 within one mile of the site; and
 - 20 (b) owners of businesses located within 300 feet of the site.
- 21 (2) The applicant shall post a sign on the site in a location that is within 25
22 feet of and visible from the public right-of-way. The sign must be at
23 least four feet by eight feet in size with lettering at least four inches high.
24 The sign must include the following information:
 - 25 (a) a statement that an application for approval of a conditional use site
26 plan has been filed;
 - 27 (b) the city file number;
 - 28 (c) the name, address, and telephone number of the applicant or agent;
29 and

1 (d) a description of the proposed development, including the size and
2 use of the building.

3 **PART 3.** Section 25-5-145(C) (*Evaluation Of Conditional Use Site Plan*) of the City
4 Code is amended to read:

5 (C) A conditional use site plan may not:

- 6 (1) more adversely affect an adjoining site than would a permitted use;
- 7 (2) adversely affect the safety or convenience of vehicular or pedestrian
8 circulation, including reasonably anticipated traffic and uses in the area;
9 [or]
- 10 (3) adversely affect an adjacent property or traffic control through the
11 location, lighting, or type of a sign; or
- 12 (4) for a large retail use described in Section 25-2-813 (*Large Retail Uses*),
13 adversely affect the future redevelopment of the site.

14 **PART 4.** This ordinance takes effect on _____, 2006.

15 **PASSED AND APPROVED**

16 _____, 2006 §
17 §
18 §
19 §

20 Will Wynn
21 Mayor

22 **APPROVED:** _____
23 **David Allan Smith**
24 **City Attorney**

25 **ATTEST:** _____
26 **Shirley A. Gentry**
27 **City Clerk**